

1 what else am I to think, that the
2 principals initiate -- excuse me -- who
3 you want to return and who you do not
4 want to return. And I clearly knew. We
5 sat down. I clearly knew who was
6 provided -- who was to be given a
7 nonrenewal. Just as I sat with her on
8 numerous occasions and did teacher
9 evaluations, I knew.

10 Q. Okay. So your evidence that that was
11 discriminatory is that Tina Minott, the
12 principal, was not the one who asked for
13 your nonrenewal?

14 MR. PATTY: Object to the
15 form.

16 Go ahead.

17 A. To answer your question, Ms. Minott told
18 me very clearly on several occasions --

19 Q. Mr. Lowe.

20 A. Yes.

21 Q. I'm not questioning that she told you
22 that. It's your testimony --

23 A. Okay.

1 Q. -- and I'm with you.

2 A. Yes.

3 Q. My question is: Is that the evidence
4 that you have that it was discriminatory
5 to nonrenew you at this Spring or Summer
6 of 2002?

7 MR. PATTY: Object to the
8 form.

9 Go ahead.

10 A. That is in a series of events that have
11 lead me to feel that I have been
12 discriminated against and retaliated
13 against. That is in a series. That is
14 among other events.

15 Q. Okay. Well, I thought you said that was
16 the first. Tell me what --

17 A. That was the -- yes, ma'am, I'm sorry.

18 Q. Okay. Hang on. Let me finish my
19 question.

20 A. Yes. Your question?

21 Q. And I'm not trying -- I mean, that's
22 what I need to know, because we're going
23 through some background stuff, and we're

1 really not quite finished doing that.

2 But obviously, to me, the coconut today
3 is your claims and what you believe was
4 discriminatory. And one of the things I
5 need to try to do is weed out or focus
6 in on what employment actions that you
7 are saying were discriminatory or
8 retaliatory against you.

9 And my question is, first of
10 all: Am I clear that you believe that
11 being nonrenewed that year was an act of
12 discrimination and/or retaliation
13 against you?

14 A. Yes, I do.

15 Q. And was that the first time that you
16 believe that you had been discriminated
17 against or retaliated against?

18 A. That is one of the first events. That
19 is the first event that I can almost
20 without a shadow of a doubt say yes,
21 this was direct discrimination and
22 retaliation. As far as being the first,
23 that is the first in a series.

1 Q. Right. And we'll get to that. And
2 maybe I should ask the question a
3 different way: You worked for them the
4 first year at Daisy Lawrence?

5 A. Yes.

6 Q. Was there anything that occurred that
7 year or your nonrenewal at the end of
8 that year that you maintain here today
9 was retaliatory or discriminatory?

10 A. No, I do not. In fact, Ms. Johnson
11 clearly communicated to me, We are --
12 and this is public record --
13 restructuring Daisy Lawrence, and all of
14 the nontenured teachers are being
15 terminated, pink-slipped.

16 MR. PATTY: Liz, when we get
17 to a good point, it's
18 been an hour and five
19 minutes, so let's take
20 a break.

21 MRS. CARTER: Okay. Let me
22 kind of get though
23 this --

1 A. Yes.

2 Q. And so it's your testimony that you feel
3 like that was an act of discrimination
4 or retaliation when you were nonrenewed
5 in the Spring of 2002?

6 A. It was both discrimination and
7 retaliation.

8 Q. Okay. And what type of discrimination
9 against you was it?

10 A. When you --

11 MR. PATTY: Object to the
12 form.

13 But go ahead.

14 A. Look at best practice. And the
15 authorities there are provided, the
16 administrators in Montgomery County as
17 with other districts, but we're talking
18 about Montgomery County. If the
19 principal did not order the nonrenewal,
20 is this normal practice for whatever
21 reasons, nonrenewals are given without
22 the sanctions of the administrator.

23 Q. Okay. And I think that I understand

1 your testimony, that you did not find
2 that to be best practice or normal
3 practice. How is that discriminatory
4 against you? How is that discrimination
5 against you?

6 A. Do you do this with all of your
7 employees?

8 Q. I know. What form of discrimination was
9 it?

10 A. Well --

11 MR. PATTY: Object to the
12 form.

13 Go ahead.

14 A. You didn't do it to all of the other
15 nontenured black male teachers at
16 Southlawn or at large in the district.

17 Q. So do you believe it was race
18 discrimination and sex discrimination
19 based on your race and your sex?

20 A. Yes.

21 Q. Were there other black male nontenured
22 employees in the district who were not
23 treated like that?

1 A. Yes, there were. In fact, there was one
2 that I taught next door to who was a
3 nontenured, African-American --
4 Afro-American male, who the
5 administrator did not request a
6 termination for. And he did not get
7 one. Mr. Pedro Lewis (phonetic).
8 Taught the same subject, same grade that
9 I taught, different subject. Less years
10 of experience and less education than I.

11 Q. So you were treated differently than
12 somebody who was just like you as far as
13 your race and your sex?

14 A. Yes.

15 Q. What about retaliation? What type of
16 retaliation are you talking about?

17 A. Retaliation can take on a number of
18 hats. Some of the retaliation I denoted
19 was my position with Mr. Barker, my
20 position with Clinton Carter. And you
21 did not mention, but I have to give you
22 the background for the foreground, there
23 was an incident that took place at

1 Southlawn. I was -- I don't want to use
2 the word "victorious," but I was
3 successful in proving my innocence. I
4 did not voice the opinion that
5 Mr. Barker positioned me nor the school
6 board investigator or the indirect
7 position of Mr. Carter. Because I did
8 not do that, I am denoting that all of
9 those factors played into the
10 retaliation of me being given a
11 nonrenewal outside the sanctions of the
12 principal at the end of that year.

13 Q. Because you felt like that because --
14 that you had been successful over them
15 in some type of investigation regarding
16 allegations of misconduct against you?

17 A. And some allegations with a particular
18 student, yes.

19 Q. That a student made against you?

20 A. Yes, that a student made against me.

21 Q. And you felt like they were retaliating
22 against you because of that?

23 A. Well, they didn't do this with

1 everybody. All of the other teachers
2 who were nontenured, including the ones
3 that were on faculty who were of male
4 gender and of Afro-American dissent,
5 this did not take place with them.

6 Q. At that point in your career, had you
7 ever made a complaint of race
8 discrimination or sex discrimination to
9 the school system?

10 A. No, I had not.

11 Q. Had you ever gone to the EEOC and made
12 the kind of complaint at that point in
13 your career, in the Spring of 2000? I'm
14 saying spring. I guess by then it was
15 Summer of 2000.

16 A. No. No, I did not.

17 Q. Okay.

18 MRS. CARTER: All right.

19 Let's -- if you want to
20 stop now, that's fine.

21 (Whereupon a brief recess
22 was taken.)
23

1 BY MRS. CARTER:

2 Q. We got a little off track talking about
3 the claims. Let's back up for a second,
4 if you don't mind, Mr. Lowe, and finish
5 your history. Because you came -- you
6 went to Bullock -- you started Bullock
7 County, but we finally figured out that
8 you came back to Montgomery County in
9 October of 2003, went to Daisy Lawrence
10 Alternative School where Dr. Owens was
11 the principal?

12 A. Yes, we did stop there.

13 Q. So you taught the '03-'04 school year as
14 a teacher at Daisy Lawrence?

15 A. I did not teach.

16 Q. Okay. What did you do?

17 A. I was the reading coach.

18 Q. Reading coach. Okay. Why do you say
19 that you were a reading coach as opposed
20 to a teacher?

21 A. Dr. Owens interviewed me for a reading
22 coach position. He informed central
23 office that he wanted to hire me as the

1 MR. PATTY: Sure.

2 MRS. CARTER: -- so I don't
3 get confused about it.

4 MR. PATTY: Right.

5 BY MRS. CARTER:

6 Q. Okay. And so the answer is no, there
7 was no discrimination or retaliation
8 that you're aware of that occurred at
9 the end of that first year that you
10 taught?

11 A. No, there was not.

12 Q. Okay. So then you teach the next year
13 at Fitzpatrick. Do you believe that
14 anything that occurred to you during the
15 course of that year was discriminatory
16 or retaliatory towards you?

17 A. To answer that, I did not get a pink
18 slip.

19 Q. Okay. Anything else that you'd like to
20 tell us about today that you believe was
21 retaliatory or discriminatory against
22 you in regards to your job at
23 Fitzpatrick?

1 A. To answer that again, my only sole
2 purpose at that time was to teach. I
3 did not get -- Ms. Thompson did not
4 issue me a pink slip.

5 Q. So the answer is no, there's --

6 A. So no, I was free and clear that year.

7 Q. And then you get transferred to
8 Southlawn, and you work with Tina
9 Minott. I think you've testified you
10 had a good year there?

11 A. Yes.

12 Q. But at the end of that year, you were
13 nonrenewed?

14 A. Yes, I was.

15 Q. And Ms. Minott represented to you that
16 that was not her doing?

17 A. Exactly.

18 Q. And based on that, you felt like
19 something was wrong or that something --
20 I don't know what your testimony was,
21 but that that wasn't normal, that she
22 didn't request your nonrenewal, but that
23 you were yet nonrenewed, correct?

1 reading coach, which was a position he
2 had available. That was the reason I
3 was allowed to leave Bullock County,
4 because I was returning as a reading
5 coach. And that is the job that I
6 performed.

7 Q. How do you know what Dr. Owens told
8 central office?

9 A. I was present when he communicated to
10 Ms. Hicks.

11 Q. By phone?

12 A. By phone. By speakerphone.

13 Q. Let me show you what we'll mark as
14 Defense Exhibit 1. And it's titled
15 Montgomery Public Schools Personnel
16 Change Form. I'm going to put this
17 where there's -- it's kind of blurred
18 where that's been filled in there. And
19 this looks to be the personnel action
20 sheet they fill out when they get a hire
21 or they have them for nonrenewals or
22 when they're transferred. Are you
23 familiar with that document?

(Whereupon Defendants'

Exhibit No. 1 was marked
for identification and
attached hereto.)

(Witness reviewed document.)

1
2
3
4
5
6 A. I've heard of such, but I've never seen
7 it. Well, when I say I've never seen
8 it, I saw it in the documents that
9 Attorney Patty received. I was never
10 informed that any such was being done.
11 And, of course, a correction, because
12 I'm not a female. But I've never seen
13 this.

14 Q. Okay. I'm going to show you what I'll
15 staple as two documents and label as
16 Defense Exhibit 2, which is the Specific
17 Letter of Appointment dated in October,
18 and it says for re-hire. And then
19 you'll see on the second letter, and
20 I'll hand this to you in a second, where
21 it says Re-hire Correction Letter. And
22 it looks like to me they were correcting
23 that this first one inadvertently said

1 you were part-time. When you came back
2 in October of 2003, you were a
3 full-time?

4 A. I brought that to their attention.

5 Q. Okay. And then, I guess they corrected
6 that then; is that right?

7 A. Let me look at this.

8 Q. Yeah, just take a look at those two
9 letters.

10 (Whereupon Defendants'
11 Exhibit No. 2 was marked
12 for identification and
13 attached hereto.)

14 (Witness reviewed
15 documents.)

16 A. This is. Because I remember I brought
17 it to their attention that I was not
18 part-time, that I was full-time. I
19 still reiterated that I am a reading
20 coach and not a teacher.

21 Q. But both of those letters have you
22 positioned as a teacher?

23 A. Uh-huh (affirmative response).

1 Q. Do you maintain that there would be a
2 salary difference if you had been a
3 reading coach?

4 A. Yes, I do.

5 Q. Okay. And what's the difference in that
6 salary?

7 A. There's an extra month of employment
8 that reflects a different salary. The
9 jobs for reading coaches are advertised
10 as ten-month positions, as with teacher
11 positions are advertised as nine-month
12 positions. There is clearly a salary
13 differentiation in work terms.

14 Q. Because it's a ten-month contract?

15 A. Yes, ma'am.

16 Q. Okay. But you would agree with me that
17 the documents which are reflected in
18 your personnel file regarding what your
19 job assignment was, do not reflect that
20 it was a reading coach position?

21 MR. PATTY: Object to the
22 form.

23 Q. Or the two -- the three documents that

1 you're looking at now?

2 A. Re-ask your question.

3 Q. That these documents do not reflect that
4 you were hired that year as a reading
5 coach?

6 A. No, they do not reflect that.

7 Q. Okay. At the end of the 2003-2004
8 school year, were you nonrenewed?

9 A. Yes, I was.

10 And may I go back to
11 re-answer -- to finish answering your
12 question about the documents reflecting
13 me being employed as a reading coach?
14 They reflect that because they were --
15 when I say "they were," it was advised
16 that they reflect this. As opposed to
17 stating reading coach for the job that I
18 did, it was advised that the reason
19 those letters state teacher --

20 Q. It says teaching position.

21 A. Teaching position.

22 Q. Yes, sir.

23 A. Mr. Carter advised Mr. Barker, because

1 Mr. Barker told me, that you will only
2 be -- Mr. Carter said, You will only be
3 a teacher in this school district. And
4 I think I have that in some of the EEOC
5 documents.

6 Q. Well, we're going to go through that.

7 A. Yes, ma'am.

8 Q. Mr. Barker told you that Dr. Carter
9 said, You will only be a teacher in this
10 school system?

11 A. In this school district. This was after
12 Mr. Barker assured me and my mother that
13 I can get you -- I can get you hired as
14 soon as Dr. Carter -- Mr. Carter says
15 it's okay. I can get you hired in an
16 hour or a couple of hours. And he was
17 the -- Mr. Barker, was the person who
18 positioned me with, I can get you in a
19 reading coach job. I didn't know what a
20 reading coach job was, but it was a job.

21 And then the next thing after
22 Dr. Owens offered me the job,
23 interviewed me, as he interviewed, I

1 think, three other woman for the same
2 position for reading coach, until I got
3 to central office, they're telling me,
4 Oh, no, it was a mistake. You are not
5 going -- it's a teaching position.

6 When I again questioned
7 Mr. Barker, I said, This is not what
8 Dr. Owens interviewed me for. This is
9 not the agreement that you had with the
10 superintendents in Bullock County for
11 releasing me. Well, Melvin, it's just
12 simple, Mr. Carter says you're only
13 going to be a teacher in this school
14 district.

15 So that is the reason the
16 contracts and the appointment letters
17 have teacher on it. That is the reason
18 the contract that Mr. Barker -- I'm
19 probably sure you have -- that I had to
20 sign has teacher or tutor-teacher on it,
21 because that was the ulterior motive
22 that manifested once after I was advised
23 to resign, and we're going to hire you,

1 and the superintendents agree on what
2 the title was.

3 And when I got here to
4 Montgomery County, there was a big
5 cross-up. And my back was against the
6 wall, because I didn't have a job. I
7 did what I was told to do by the
8 authorities who make those decisions,
9 and I didn't have a job.

10 Q. So if you had only had a teaching -- if
11 you had known it was just a teaching
12 job, would you not have left Bullock
13 County?

14 A. I would have remained in Bullock County,
15 because I would have been doing the same
16 thing. And if it were a teaching job,
17 according to Alabama law, after the
18 first forty-five days of your contract
19 beginning, at the beginning of your
20 contract, you can only be released from
21 that contract if the superintendent
22 allows it, because you are being
23 promoted or going to a job of higher

1 status. The ten-month reading coach job
2 was of that caliber.

3 And it was communicated
4 between Mr. Barker and Mr. Lee Arthur
5 Ballard, who was, and still is, the
6 Assistant Superintendent in Bullock
7 County, as with the Superintendent in
8 Bullock County, along with Attorney
9 Theron Stokes, who was present and --
10 give me a second. He's now one of the
11 new UniService directors. I'm trying to
12 think of his name right now. He's
13 UniService director --

14 Q. I don't know who you're talking about.

15 A. -- or works with Ms. Ann Sippial. The
16 new one, Darrell --

17 Q. I know his name and can't call it.

18 MR. PATTY: Darrell

19 Singfield.

20 A. Darrell Singfield (phonetic). All of
21 those, they were there when I resigned.
22 They knew the reason I was resigning.
23 They knew into --

1 year had started? Were you still trying
2 to get a job here?

3 A. Yes.

4 Q. And you wanted to come back to this
5 school system?

6 A. Yes, I did. Because this is where I
7 live, and I pay my taxes in Montgomery
8 County.

9 Q. Did you ever have any communication with
10 Dr. Carter when you asked for him to
11 give you a second chance and let you
12 come back here?

13 A. I never asked Mr. Carter to give me a
14 second chance, because I never had the
15 opportunity to talk to him.

16 Q. So you've never had any kind of
17 conversations with Dr. Carter?

18 A. I can testify today I've never had any
19 conversations with Mr. Carter or
20 acknowledgments, other than in church
21 I'll say hi. I never met with, spoke
22 with, communicated verbally, written
23 communications with Mr. -- Dr. Clinton

1 Carter.

2 Q. Did your mother ever speak to him on
3 your behalf?

4 A. Yes, she did.

5 Q. Okay. And did your mother ask him to
6 give you a second chance after you had
7 been nonrenewed, after Southlawn?

8 A. My mother asked Mr. Carter to consider
9 allowing me to be rehired. The second
10 chance, she never communicated a second
11 chance. Because a second chance for
12 what? But to allow me to be rehired.
13 Because Mr. Barker and Ms. Lois Johnson
14 indicated that it was all up to
15 Mr. Carter. And Mr. Barker said that if
16 he lets up, Melvin, I can do it. But if
17 he doesn't, you know, I don't know. You
18 know, I don't know why he doesn't like
19 you, but if he says I can hire you, I
20 can hire you.

21 Q. And the conversation you're talking
22 about would have happened in the Summer
23 of '03 after you taught in Bullock

1 County for a year?

2 A. It was during the summer. I'd have to
3 look back and see. I don't mean to get
4 rough with you. I need to see what the
5 dates --

6 Q. I don't think you're being rough.

7 A. -- you know, because the dates are kind
8 of running back to back.

9 Q. Okay. We'll go -- because your --

10 A. But it was before I came back to
11 Montgomery County.

12 Q. Okay.

13 A. It was that summer before. Right
14 before --

15 Q. And that was in '03, I believe. That's
16 why I'm suggesting.

17 A. Yes. Yes, I'm thinking it is.

18 Q. Okay. All right. So according to Lois
19 Johnson and Jimmy Barker, and you don't
20 remember the exact dates, but it would
21 have been that summer, you were kind of
22 being told, the issues with Dr. Carter,
23 you've got to make amends with

1 Dr. Carter. And at some point during
2 that time, isn't it true that your
3 mother went to speak to Dr. Carter on
4 your behalf, and you weren't present for
5 that meeting?

6 A. Yes, ma'am, that is true. She went to
7 speak with him. Because he said that he
8 would not speak with us together, so
9 therefore, my mother elected to go. A
10 second conference was never extended
11 towards me, because Mr. Carter stated
12 that he would call Mr. Barker and tell
13 Mr. Barker to see what he could do.

14 Q. After your mother spoke with
15 Dr. Carter --

16 A. After, yes, ma'am.

17 Q. -- he was going to talk to Mr. Barker
18 and see what he could do?

19 A. Mr. Carter, after conversing with my
20 mother, said that he would call
21 Mr. Barker and tell Mr. Barker to see
22 what he could do.

23 Q. Meaning placing you in a job somewhere?

1 A. Hopefully, that's what it meant, yes.

2 Q. I mean, isn't it fair to say then, when
3 your mother left that meeting, that
4 Dr. Carter basically said, I'm going to
5 try to work something out for him?

6 A. We were under the assumption that those
7 were his intentions.

8 Q. And they did? And that is the fall that
9 you came back to Montgomery public
10 schools? Aside from what you believed
11 your job should have been or whatever,
12 that's the fall that you got brought
13 back as an employee into the school
14 system?

15 A. I will not say that it was an immediate
16 action, because after that initial
17 conference, I still had not received any
18 interviews. I only received one
19 interview, which was with Mr. Michael
20 Linhart the day before school was to
21 open.

22 Q. And you've told us what he said.

23 A. So there was -- I mean, as far as you

1 would think, if he said I'm going to
2 call Mr. Barker, and Mr. Barker having
3 already promised me and my mother I can
4 do it within an hour or a couple of
5 hours, I can get you somewhere. And
6 Mr. Barker was the person who made
7 mention of a reading coach position.
8 Mr. Barker never mentioned a teaching
9 position until I returned to Montgomery
10 County in October.

11 When I questioned him why are
12 you telling me I have to accept this
13 tutor-teacher, teacher-tutor, reading
14 teacher position, when you first
15 mentioned to me a reading coach
16 position. And that was during the
17 summer.

18 And then we went August,
19 September, and October. I didn't hear
20 from any of you-all, and you-all did not
21 hear from me. Then when Dr. Owens
22 interviews me for a reading coach
23 position, after interviewing four women.

1 before me, and he calls Ms. Hicks, and
2 says, Ms. Hicks, I want Melvin Lowe as
3 my reading coach. Mr. -- Dr. Owens
4 advised me, Go ahead and resign from
5 Bullock County. I placed my
6 resignation. Before my resignation was
7 accepted, the superintendents, both
8 Mr. Keith Stewart and Mr. Lee Ballard,
9 both talked with Mr. Barker repeatedly,
10 more than once, to assure that I was
11 returning as a reading coach, which is
12 clarified by posted announcements as a
13 ten-month position, which the salary is
14 different from a nine-month teaching
15 position. Mr. Barker confirmed this.
16 Dr. Carter asked Mr. Barker, go back and
17 make sure he did not have any problems
18 in Bullock County. Because Mr. Lee
19 Arthur Ballard communicated with my
20 mother and I. He said, Hold on, I
21 have -- Barker is on this line. Hold on
22 and let me get finished with him.
23 Clicked back over. I just told him that

1 Carter wanted to know were there any
2 problems. Melvin, they're still trying
3 not to hire you, but Barker knows that
4 the only reason we're releasing you
5 after the first forty-five days is
6 because this is a promotion for you.
7 This is the only reason, because now we
8 have to apply to the state department
9 for additional funds to fund another
10 teaching unit, because your salary has
11 already started.

12 Q. Well, you didn't keep getting paid by
13 Bullock County, did you?

14 A. No. But the -- I'm sorry.

15 Q. That's okay.

16 A. When you said I didn't get -- I wasn't
17 continuously paid by Bullock County, no,
18 I wasn't. The funds stopped at the end
19 of that particular pay period and the
20 days that had exasperated by my
21 working -- but because the funds had
22 been allocated by the state for a
23 particular teacher unit, to bring

1 another teacher in after the first
2 forty-five days, special permission has
3 to be approved from the state
4 department. That is the reason the
5 superintendents had to really make sure
6 that we know the reason we're releasing
7 him. Because then other teachers would
8 want to leave their contract to go to
9 another county during the school year
10 after the first forty-five days, which
11 is not the practice of school districts.
12 It's only when a job is presented as a
13 promotion.

14 Q. You've told us about that summer and
15 having conversations with Lois Johnson
16 and Jimmy Barker, and I guess words to
17 the effect of, You need to apologize to
18 Dr. Carter or made amends with
19 Dr. Carter. And you've said -- I think
20 I've understood your testimony to be
21 that you don't know what they were
22 talking about? Yes or no?

23 A. Yes and no. I understood what they were

1 saying. They wanted me to apologize.
2 But as far as understanding for what?

3 Q. Yes. That's what I mean.

4 A. Okay. Yes, ma'am. I wanted to make --
5 you know, to have it clear. For what,
6 Lois Johnson could never give me -- she
7 didn't even try to say you need to
8 apologize for stepping on his toes.
9 Mr. Barker never said you need to
10 apologize for spilling your Coke in his
11 lap. You just need to apologize, you
12 know, just for any embarrassment or any
13 hard feelings that you may have caused
14 the school district or between you and
15 him.

16 Q. Did you ever for any period of time
17 believe that your problem with
18 Dr. Carter was the issues you had had at
19 Southlawn with the student complaint?

20 A. Yes, I did. After the pink slip
21 notification was issued to me, and
22 Ms. Minott was not allowed to rehire me
23 that particular year after she stated, I

1 want to hire you; they won't let me hire
2 you. I could clearly see that it was
3 retaliation.

4 And it was also some
5 retaliation because years past my mother
6 had -- she filed an EEOC complaint
7 through AEA. AEA litigated some
8 complaints she had towards employment
9 discrimination with the same school
10 district while Mr. Carter, at that time,
11 I think was the associate
12 superintendent. All of these were
13 factors that caused me to think and
14 still feel very strongly that this is
15 some retaliation.

16 And then this has been
17 communicated to me since then, which
18 further validates your premise was not
19 invalid; it was very valid. Because
20 there have been several individuals
21 since that will state when they look at
22 you, they see your mother. That's why
23 people don't want to hire him, and

1 traits about you?

2 A. Repeat that question.

3 Q. How do you know that his comment, that
4 you're just like your momma, had
5 anything to do with her filing a lawsuit
6 as opposed to you just being like your
7 mother in other ways, good, bad, or
8 ugly, whether it be work habits,
9 personality traits? I mean, how did she
10 know what he was talking about?

11 A. Well, when you look at the issues before
12 us, if it wasn't an issue, why did he
13 even bring it up? Why would he and
14 others constantly communicate it? If it
15 was just a situation or a circumstance
16 or just a passing incident, why do you
17 keep making a mention of it? Why are
18 you equating the problems that I'm
19 having to a past situation that Mother
20 experienced? Why is that a constant
21 correlation?

22 Q. Well, was Jimmy Barker talking about a
23 past situation or experience that she

1 defend hiring you the first time. I'm
2 having to defend you being here every
3 day. And I said, To who? Who have I
4 killed, murdered, molested, or raped?
5 What have I done? You know, Jimmy
6 Barker, they don't like you. He's
7 always talking about your situation with
8 your mother. You're just like your
9 mother. You filing this lawsuit. Your
10 mother filing her lawsuit. See, Melvin,
11 you shouldn't have done all of that.
12 You shouldn't drive that Mercedes, and
13 you shouldn't live in that house that
14 you live in. You shouldn't wear the
15 type of clothes that you wear. You need
16 to get you a little truck. See, people
17 don't like these things. And, you know,
18 they feel that you were born with a
19 silver spoon in your mouth. And, you
20 know, Brother Lowe, I just think maybe,
21 you know, you might need to just leave
22 the school district and maybe wait four
23 or five years, because Jimmy Barker will

1 be gone, Carter is already gone, and
2 this new Dr. Purcell won't be here.
3 Because, Brother Lowe, you know, you and
4 your momma, they're not going to let up
5 on you.

6 Now, this was communicated to
7 me my last year at Daisy Lawrence by
8 Dr. Owens. And I was very offended.
9 And I felt that there are some more
10 retaliations that are going to occur
11 from this, and I almost begged for help.
12 And I put it to Dr. Purcell's attention,
13 you know, that this is more than, you
14 know, too much to say to someone
15 repeatedly. This is after Lois Johnson
16 had said at least twice, you know,
17 Melvin's problem, Mary, is you. Every
18 time they look at him, they see you and
19 all that you've done in the past. You
20 know, that registers. You know how
21 Carter feels about you, Mary. Melvin is
22 just like you. And I'm not saying it's
23 right or wrong, but Mary, I'm just

1 telling you. You know, and this has
2 just been communicated over and over,
3 which you can't help but look at it and
4 say, Well, okay, if it's not true, let's
5 look at the treatment that he has
6 gotten. He has gotten some very rotten
7 treatment, so there might be some
8 validity to some of this, if not all of
9 it.

10 Q. When Dr. Owens was talking to you about
11 this, was he saying that Jimmy Barker
12 said these things to him, or was he
13 telling you how he, Dr. Owens, felt?

14 A. Dr. Owens told me that Mr. Barker said
15 this to him the previous day.

16 Q. Did Mr. Barker say anything to Jimmy
17 Owens -- excuse me, to Dr. Owens about
18 your previous -- you filing any kind of
19 lawsuit or your mother filing any kind
20 of lawsuit or charges?

21 A. Yes. Dr. Owens made mention of all of
22 it. Because at that point, I didn't
23 even know Dr. Owens knew about my mother

1 filing a lawsuit. I hadn't -- I mean, I
2 don't know how he would have known it,
3 because it wasn't like it was public
4 knowledge. And when he communicated to
5 me and said Mr. Barker, I told myself
6 Barker had to tell him, because who else
7 would have told him? I surely didn't
8 tell him.

9 Q. Well, did he tell you that, or did you
10 think that Barker told him?

11 A. He told me Barker told him, and that the
12 reason Daisy Lawrence was being closed,
13 it had something to do with all of the
14 complaints from the teachers. And then,
15 Brother Lowe, as he calls me, Brother
16 Lowe, you filed your lawsuit. And
17 Brother Lowe, I mean, you kind of
18 brought all of this on yourself. I
19 don't know what you're going to do.

20 Q. I understand that --

21 A. Yes, yes.

22 Q. -- Dr. Owens said that to you. But did
23 he tell you that Jimmy Barker said --

1 A. Yes, he did.

2 Q. -- Melvin Lowe brought this on himself
3 because of his lawsuit, or words to that
4 effect?

5 A. Yes. Yes, Dr. Owens said that. Because
6 he constantly made sure that I
7 understood, Brother Lowe, this is not
8 me; you know, I hired you. I'm just
9 telling you what he told me.

10 Q. Okay. So those are the two times your
11 mother walks in on a conversation with
12 Mr. Barker, and you've told us about
13 that. You've told us about what
14 Dr. Owens said that Jimmy Barker said.
15 Any other -- and I know you've talked
16 about Lois Johnson, but let's stick on
17 Jimmy Barker so I can cover it. Any
18 other conversations that you've had with
19 Barker or that's been relayed to you
20 that he allegedly said about your
21 lawsuits?

22 A. Those were the only ones that I'm aware
23 of. Now, if there were others, I

1 wouldn't know. But these are the ones
2 that --

3 Q. That's all I'm asking for is what you
4 know.

5 A. -- I can say I was there or it was said
6 to me, or, as I said before, I was
7 there.

8 Q. Okay. All right. Any conversations
9 where Dr. Carter has said that to you or
10 to anybody else that was relayed to you?

11 A. Again, Mr. Carter -- Dr. Carter and I
12 have never, ever talked.

13 Q. Has Dr. Carter ever said anything to
14 anybody that was then relayed to you
15 that mentioned your mom's past
16 grievances or lawsuits and any lawsuit
17 of yours? Was Dr. Carter still the
18 superintendent when you initially sued?

19 A. No.

20 Q. I can't even remember. He wasn't?

21 A. No.

22 Q. Dr. Purcell was the superintendent by
23 then, okay: Any conversations like